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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

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**CRL.M.C. 5097/2017**

**BIRENDER @ VIRENDER @ KALU**

..... Petitioner

Through: Mr. Sunil Kumar, Advocate

Versus

**THE STATE GOVT OF NCT OF DELHI & ANR... Respondents**

Through: Mr. Kamal Kumar Ghei,

APP/GNCTD

SI Jaivind Kumar, PS:Kalyanpuri

**CORAM:**

**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**

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**23.04.2018**

Vide the present petition, the petitioner seeks quashing of the FIR No. 658/2013, under sections 354D/506/509 Indian Penal Code, 1860 registered at Police Station Kalyanpuri, submitting to the effect that a settlement has since been arrived at between the petitioner and the respondent no. 2.

As per the averments made in the petition, it is indicated that the petitioner had filed an earlier petition being Crl.M.C.No. 2402/2017 seeking the quashing of the very same FIR which was dismissed as withdrawn and thus the records of Crl.M.C.No. 5097/2017 were requisitioned which have since been perused which brings forth the submission made on behalf of the petitioner.

As submitted by the Investigating Officer that, apart from the petitioner, there are no allegations against any other person and that apart from the petitioner, there is no other person named in the FIR.

The petitioner and the respondent no. 2 have been identified by the Investigating Officer present in the Court present and the proofs of identity of the petitioner and of the respondent no. 2 are on the record in the form of photocopies of their Aadhar Cards as Ex. CW-1/2 and CW-1/3, originals of which have been seen and returned.

The respondent no. 2 in her deposition on oath on examination by the Court has affirmed having sworn her affidavit annexed to the petition voluntarily and of her own free will. There appears no reason to disbelieve her statement that she has arrived at a settlement with the petitioner voluntarily.

It has been submitted that the respondent no.2 had earlier informed the counsel for the petitioner that she was not willing to come forward qua the proceedings seeking quashing of the same very FIR registered at Police Station Kalyanpuri, but she now does not seek the continuation of the present proceedings in relation to the case FIR NO. 658/2013, under sections 354D/506/509 Indian Penal Code, 1860 registered at Poklice Station, Kalyan Puri.

The respondent no. 2 has also stated that she has married three years ago and has a minor child out of this wedlock who is 1½ years old and she does not want the petitioner to be punished.

It has been considered essential to examine the petitioner on oath who has given an undertaking vide his affidavit Ex. CW-3/A and has stated on oath in his undertaking that he has since apologized to respondent no.2 and further undertakes not to interfere in her family life, in any manner and undertakes not to harass her and shall abide by the terms of the petition which is exhibited as Ex.CW-3/A.

In view of the deposition of the respondent no. 2, it has been considered appropriate to take up the present proceedings (despite Crl. M.C.No. 2402/2017 between the very same parties having been dismissed as withdrawn earlier).

On behalf of the State, there is no opposition to the prayer made in the application seeking quashing of the FIR. Taking into account the factum that the petitioner and the respondent no.2 have settled their disputes and taking into consideration their statements on oath, which are placed on record, in view thereof, for maintenance of peace and harmony between the petitioner and the respondent no. 2 and for the well being of the respondent no. 2 herself, it is considered appropriate to put a quietus to the litigation between the parties.

In view thereof, the FIR No. 658/2013, under Sections 354D/506/509 Indian Penal Code, 1860 registered at Police Station Kalyanpuri, against the petitioner and also and all consequential proceedings emanating therefrom are thus quashed.

**ANU MALHOTRA, J**

**APRIL 23, 2018/P**

**CRL. MC 5097/2017**

**23.4.2018**

**Birender @ virender @ Kalu vs. The State Govt. of NCT  
Of Delhi & Anr.**

**STATEMENT OF INSP. JAIBIND, PS KALYANPURI ON S.A.**

I identify the petitioner in the present case FIR No. 658/2013, under Sections 354D/506/509 Indian Penal Code, 1860 registered at Police Station, Kalyanpuri. I also identify the complainant/respondent no.2 who is present in the Court today. She is the complainant in the said FIR. The proofs of identity of the petitioner and the respondent no.2 in the form of photocopies of their Aadhar Cards are exhibited as ex. CW-1/2 and CW-1/3 (originals seen and returned).

**R.O.& A.C.**

**ANU MALHOTRA, J.**

23<sup>RD</sup> APRIL, 2018

**CRL. MC 5097/2017**

**23.4.2018**

**Birender @ virender @ Kalu vs. The State Govt. of NCT  
Of Delhi & Anr.**

**STATEMENT OF MS. RENU, D/O. SHRI CHHINGA LAL,  
AGED 29 YEARS, R/O. 21/230, KALYANPURI, DELHI, ON  
S.A.**

I was married three years ago. My affidavit annexed with the petition bears my signatures at point A on each page, which are exhibited as CW-2/A, which I have signed without any pressure, threat, duress and coercion from any quarter. I do not oppose the prayers made by the petitioner seeking quashing of the FIR No. 658/2013, under Sections 354D/506/509 Indian Penal Code, 1860 registered at Police Station, Kalyanpuri. I do not want the petitioner to be punished in relation thereto. I have a minor/small child out of my wedlock, who is only 1½ years old. I have studied till standard 12<sup>th</sup>. I have given my statement voluntarily. It would create problems in my family, if I continue with the present proceedings.

**R.O.& A.C.**

**ANU MALHOTRA, J.**

**23<sup>RD</sup> APRIL, 2018**

**CRL. MC 5097/2017**

**23.4.2018**

**Birender @ virender @ Kalu vs. The State Govt. of NCT  
Of Delhi & Anr.**

**STATEMENT OF BIRENDER & VIRENDER @ KALU, AGED  
30 YEARS, S/O. SEWAK RAM, R/O. 21/69, KALYANPURI,  
DELHI, ON S.A.**

I undertake to abide by the terms of the petition, which bears my signatures therein at point A on ex. CW-3/A.

My affidavit annexed to the petition bears my signatures exhibit CW-3/D. I have since apologized to respondent no.2 and undertake not to interfere in her family life, in any manner and undertake not to harass her and I also undertake to abide by the said statement and undertake to abide by the terms of the petition Ex. CW-3/A.

**R.O.& A.C.**

**ANU MALHOTRA, J.**

**23<sup>RD</sup> APRIL, 2018**